

ORDINANCE NO. 2005 - 012

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT SCA 2004-00043 (SHAPIRO II); MODIFYING PAGE 86 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 2.01 ACRES GENERALLY LOCATED ON THE WEST SIDE OF MILITARY TRAIL APPROXIMATELY ½ MILE NORTH OF LE CHALET BOULEVARD FROM LOW RESIDENTIAL, 2 UNITS PER ACRE (LR-2) TO COMMERCIAL LOW-OFFICE, WITH AN UNDERLYING 2 UNITS PER ACRE (CL-O/2); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on October 15, 2004, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 **WHEREAS**, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
3 pursuant to Chapter 163, Part II, Florida Statutes, on May 26, 2005,
4 to review the recommendations of the Local Planning Agency and to
5 consider adoption of the amendments; and

6 **WHEREAS**, the Palm Beach County Board of County Commissioners has
7 determined that the amendment complies with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulation Act.

10 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
11 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

12 Part I. Amendments to the Future Land Use Atlas of the Land Use
13 Element of the 1989 Comprehensive Plan

14 The following amendment to the Future Land Use Element's Future
15 Land Use Atlas is hereby adopted and is attached to this Ordinance:

16 **A. Future Land Use Atlas page 86 is amended as follows:**

17 **Application No.:** Shapiro II (SCA 2004-00043)

18 **Amendment:** From Low Residential, 2 units per acre (LR-
19 2) to Commercial Low-Office, with an
20 underlying 2 units per acre (CL-O/2);

21 **General Location:** West side of Military Trail, approximately
22 ½ mile north of Le Chalet Boulevard;

23 **Size:** Approximately 2.01 acres;

24 Part II. Repeal of Laws in Conflict

25 All local laws and ordinances applying to the unincorporated area
26 of Palm Beach County in conflict with any provision of this ordinance
27 are hereby repealed to the extent of such conflict.

28 Part III. Severability

29 If any section, paragraph, sentence, clause, phrase, or word of
30 this Ordinance is for any reason held by the Court to be
31 unconstitutional, inoperative or void, such holding shall not affect
32 the remainder of this Ordinance.

33 Part IV. Inclusion in the 1989 Comprehensive Plan

34 The provisions of this Ordinance shall become and be made a part
35 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
36 Ordinance may be renumbered or relettered to accomplish such, and the

word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 26th day of MAY, 2005.

ATTEST:

SHARON R. BOCK, CLERK
AND COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By Judith C. Bock
Deputy Clerk

Tony Masilotti
Tony Masilotti, Chairman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]
COUNTY ATTORNEY

Filed with the Department of State on the 1st day
of June, 2005.

EXHIBIT 1

Amendment No.: Shapiro II (SCA 2004-00043)

FLUA Page No.: 86

Amendment: From Low Residential, 2 units per acre (LR-2) to Commercial Low-Office, with an underlying 2 units per acre (CL-O/2).

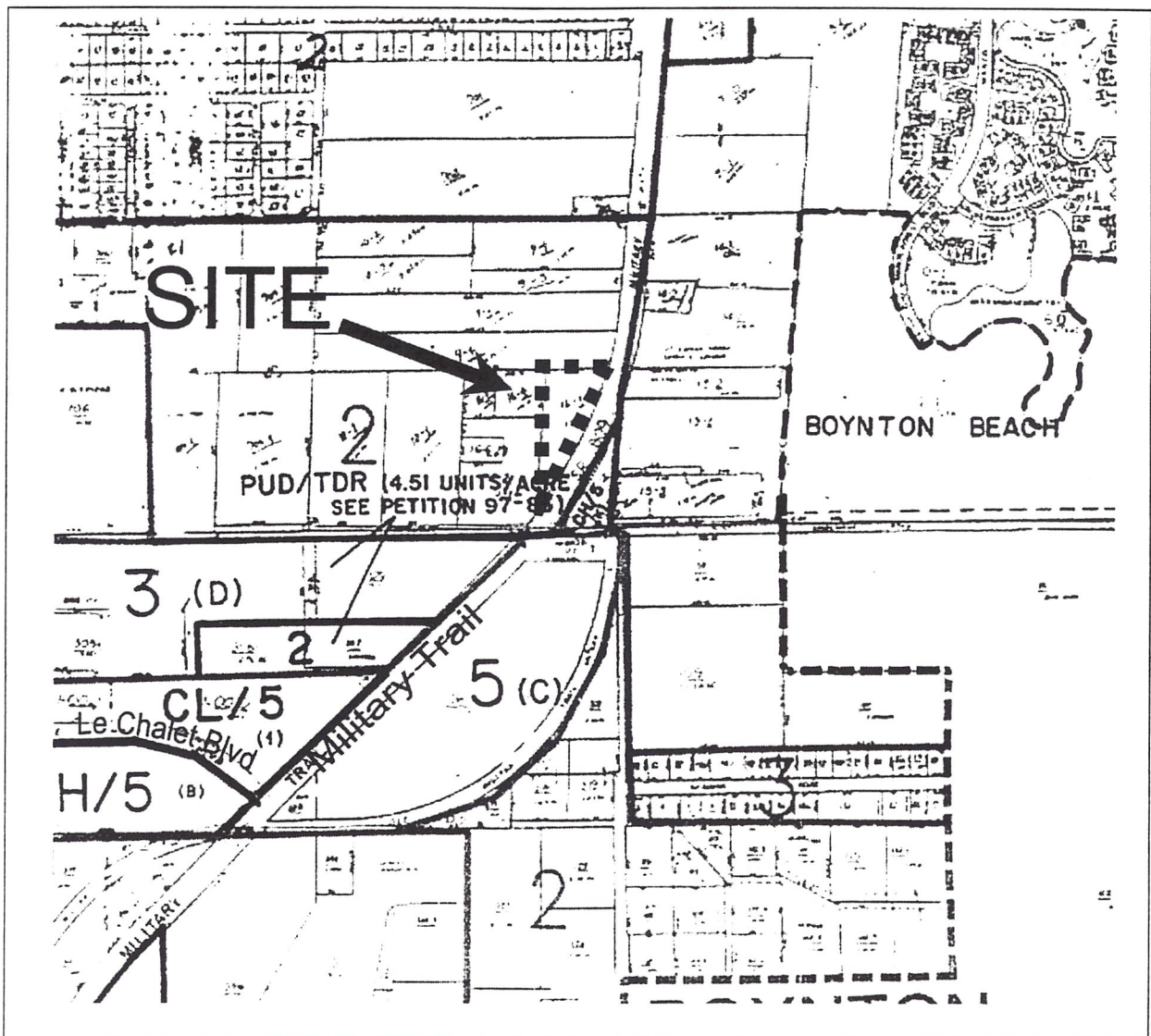
Location: West side of Military Trail, approximately ½ mile north of Le Chalet Boulevard.

Size: Approximately 2.01 acres

Property No.: 00-42-45-12-04-016-0010

Legal Description: See attached

Conditions: None



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Legal Description:

Description of west parcel of east ½ of Tract 16, Mary A. Lyman Subdivision; all that part of the east ½ of Tract 16 in the southwest ¼ of Section 12, amended Plat of Section 12, Township 45 South, Range 42 East, Mary A. Lyman, et. al, according to the Plat thereof as recorded in Plat Book 9, Page 74, Public Records of Palm Beach County, Florida, lying westwardly of the west right of way line of Military Trail. (A 120 foot wide road right of way).
Containing approximately 2.01 acres, more or less.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk & Comptroller certify
this to be a true and correct copy of the original
filed in my office on MAY 26 2005
dated at West Palm Beach, Fl. on 6-10-2005
By: Judith Croshie
Deputy Clerk

